

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

520940

PCT/FR2003/002189



Applicant's or agent's file reference LN/B.0572PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002189	International filing date (day/month/year) 11 juillet 2003 (11.07.2003)	Priority date (day/month/year) 12 juillet 2002 (12.07.2002)
International Patent Classification (IPC) or national classification and IPC A47J 31/06		
Applicant SEB S.A.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 31 janvier 2004 (31.01.2004)	Date of completion of this report 04 August 2004 (04.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002189

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____, 1,2,4-20 _____, as originally filed
pages _____, filed with the demand
pages _____ 3 _____, filed with the letter of _____ 22 July 2004 (22.07.2004)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-11 _____, filed with the letter of _____ 22 July 2004 (22.07.2004)
- ☒ the drawings:
pages _____, 1/5-5/5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: EP-A-0 125 215 (TUTTOESPRESSO SRL) 14 November 1984 (1984-11-14), cited in the application.

Document D1, which is considered the prior art closest to the subject matter of claim 1, describes (references between parentheses apply to said document):

A coffee machine using cartridges, including means (40) for supplying hot water to a brewing head capable of receiving at least two cartridges (230, 330) of differing diameters (see figures 3 and 5, 8 and 11), each comprising at least one planar support surface (the bottom of each cartridge), means (41) whereby said supply means are made to communicate with a product contained in the cartridges in order to produce a beverage, as well as means (510) for moving said beverage coming out of the cartridge (230, 330) towards a beverage collecting container, wherein said brewing head comprises a support member (30, 33) with at least one recess forming a housing (see figures 3 and 5) for at least two different size cartridges (230, 330').

Consequently, the subject matter of claim 1 differs from

the machine described in document D1 in that:

- said recess comprises a single peripheral ring-shaped support surface common to a plurality of different cartridge support flange diameters, one or more portions of the outer edge of said support surface forming a common vertical wall for indexing all of said cartridges.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention aims to solve can therefore be considered to be that of providing a machine capable of operating with different cartridge support flange diameters and therefore of increasing the versatility thereof.

The solution to said problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), since the combination of features described above is not contained in the prior art and cannot be derived in an obvious manner therefrom.

Claims 2-11 refer back to claim 1 and therefore also meet, as such, the requirements of novelty and inventive step of the PCT.